

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

1. SAMUEL SLAYDON, III, an Oklahoma Resident,)	
)	
Plaintiff,)	Western District Case No.: CIV-16-1390-HE
)	
v.)	Removed from Oklahoma District
)	Court Case No.: CJ-2016-5827
)	
1. OLD DOMINION FREIGHT LINE, INC.,)	Jury Trial Demanded
a Virginia for Profit Corporation; and)	
2. MICHAEL DEMPS BERRY, a Tennessee)	
Resident,)	
)	
Defendants.)	

NOTICE OF REMOVAL

Defendant, Old Dominion Freight Line, Inc., (hereinafter “Old Dominion”) submits this Notice of Removal, pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, to the United States District Court for the Western District of Oklahoma, as follows:

1. Old Dominion and Michael Demps Berry (hereinafter “Berry”) are named as Defendants in a civil action brought against them in the District Court of Oklahoma County, State of Oklahoma, and titled *Samuel Slaydon, III v. Old Dominion Freight Line, Inc. and Michael Demps Berry*, Case No. CJ-2016-5827.

2. Complete diversity of citizenship exists between Plaintiff and Defendants. At the time of filing this action and at the present time, Plaintiff was and is a resident and citizen of the State of Oklahoma, and, upon information and belief, Defendant Berry was and is a resident and citizen of the State of Tennessee. At the time of the filing of this action and at the present time, Old Dominion was and is a corporation duly organized and existing under the laws of the State of Virginia, with its principal place of business in North Carolina.

3. The aforementioned action was commenced on November 15, 2016.

4. This is the kind of action of which the United States District Courts have original jurisdiction because of diversity of citizenship and sufficiency of amount in controversy.

5. Old Dominion received service of Plaintiff's Petition on November 16, 2016. This Notice of Removal is therefore being filed within thirty days after receipt by Old Dominion, through service or otherwise, of a copy of a pleading from which it could first be ascertained that the case is one which is or has become removable, and this Notice of Removal is, therefore, timely filed under the provisions of 28 U.S.C. § 1446.

6. Copies of all process and pleadings filed in the aforementioned state action are attached hereto, marked as Exhibits 1 through 7 and made a part hereof. A copy of the docket sheet from the District Court of Oklahoma County is also attached hereto as Exhibit 8.

7. Written notice of this removal is being served on opposing counsel and filed with the clerk of the District Court of Oklahoma County, Oklahoma. A copy of the Notice of Filing Notice of Removal is attached hereto as Exhibit 9.

Respectfully Submitted,

/s/ Stephen L. McClellan

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CERTIFICATE OF SERVICE

I hereby certify that on the 6th day of December, 2016, I electronically transmitted the foregoing/attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

John E. Vitali
Hornbeek, Vitali & Braun
3711 North Classen Blvd.
Oklahoma City, OK 73118
Attorney for Plaintiff

/s/ Stephen L. McClellan

Stephen L. McClellan